

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

SBJ HOLDINGS 1, LLC,	§	
	§	
Plaintiff,	§	
v.	§	Civil Action No.
	§	
NETFLIX, INC., AMAZON.COM, INC.,	§	2:07-CV-00120 (TJW)
BARNESANDNOBLE.COM, LLC, and	§	
BORDERS GROUP, INC.,	§	
	§	
Defendants.	§	

JOINT MOTION FOR ENTRY OF PROTECTIVE ORDER

Plaintiff, SBJ Holdings 1, LLC (“SBJ”), and Defendants, Netflix, Inc., Amazon.com, Inc., and Borders Group, Inc. (“Defendants”), jointly move for entry of a Protective Order. The parties have agreed to all provisions except for Paragraph 17, which relates to a prosecution bar, and Paragraph 44, which discusses the cost of destruction of documents. Attached are the exhibits as follows:

Exhibit A – Draft Protective Order (with the parties’ respective proposals)

Paragraph 17 (Prosecution Bar)	
– Defendants’ proposal	– pp. 11-12
– Plaintiff’s proposal	– pp. 12-13
Paragraph 44 (Document Destruction)	
– Defendants’ proposal	– pp. 26-27
– Plaintiff’s proposal	– p. 27

Exhibit B – Plaintiff’s arguments in support of its positions, and

Exhibit C – Defendants’ arguments in support of their positions.

The parties respectfully request that the Court determine the proper scope of a prosecution bar and document destruction policy, and enter a Protective Order containing such provisions as well as the agreed-upon provisions contained in Exhibit A.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E M Albritton", written over a horizontal line.

Dated: October 31, 2007

Eric M. Albritton
State Bar No. 00790215
ALBRITTON LAW FIRM
P. O. Box 2649
Longview, Texas 75606
(903) 757-8449
(903) 758-7397 Facsimile
E-mail: ema@emafirm.com

Elizabeth J. Brown Fore
State Bar No. 24001795
Steven Sprinkle
State Bar No. 00794962
John Adair
State Bar No. 24026758
SPRINKLE IP LAW GROUP, P.C.
1301 W. 25th Street, Suite 408
Austin, Texas 78705
(512) 637-9220
(512) 371-9088 Facsimile
E-mail: ebrownfore@sprinklelaw.com
E-mail: ssprinkle@sprinklelaw.com
E-mail: jadair@sprinklelaw.com

Michael Kaeske
State Bar No. 00794061
Eric Manchin
State Bar No. 24013094
KAESKE LAW FIRM
1301 W. 25th Street, Suite 406
Austin, Texas 78705
(512) 366-7300
(512) 366-7767 Facsimile
E-mail: mkaeske@kaeskelaw.com
E-mail: emanchin@kaeskelaw.com

Respectfully submitted,

Dated: October 31, 2007

/s/ Carolyn Chang
Carolyn Chang, Bar No. 217933
Lynn H. Pasahow, Bar No. 054283
J. David Hadden, Bar No. 176148
Virginia K. DeMarchi, Bar No. 168633
Darren E. Donnelly, Bar No. 194335
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
(650) 988-8500

Blake Charles Erskine
State Bar No. 06649000
blakee@erskine-mcmahon.com
ERSKINE & McMAHON
521 N. Second Street
P. O. Box 3485
Longview, TX 75606
903-757-8435
903-757-9429 Facsimile

Lynn H. Pasahow
State Bar No. 54283
LPasahow@fenwick.com
650-988-8500
Hector Ribera
State Bar No. 221511
HRibera@fenwick.com
650-988-8500
J. David Hadden
State Bar No. 176148
DHadden@fenwick.com
650-988-8500
Virginia K. DeMarchi
State Bar No. 168633
vdemarchi@fenwick.com
650-335-7967
Darren E. Donnelly
State Bar No. 194335
DDonnelly@fenwick.com
650-988-8500
Carolyn Chang
State Bar No. 217933

CChang@fenwick.com

650-988-8500

Ryan A. Tyz

State Bar No. 234895

RTyz@fenwick.com

650-988-8400

FENWICK & WEST, LLP

801 California Street

Mountain View, CA 94041

650-938-5200 Facsimile

ATTORNEYS FOR DEFENDANTS
NETFLIX, INC., AMAZON.COM, INC., and
BORDERS GROUP, INC

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 31st day of October, 2007.

A handwritten signature in black ink, appearing to read "Eric M. Albritton", written over a horizontal line.

Eric M. Albritton